

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.513 of 2007

Dated:22.01.2007

Between:

Chiriki Srinivasarao.

...Petitioner.

and

Government of Andhra Pradesh. and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.513 of 2007

ORDER:

The petitioner seeks a *Mandamus* declaring the action of the 1st respondent in ordering the 3rd respondent not to entertain registration, in respect of lands, admeasuring Acs.10.36 cents, in Sy.Nos.27, 28/1, 28/2A, 28/2B, 18/1 and 26/1 of Elluppi Village, Sabbavaram Mandal, Visakhapatnam District, as illegal and arbitrary and seeks a consequential direction to the 3rd respondent to entertain registrations of sale transactions, in relation to the said lands.

The petitioner has traced his alleged right to the said land by making reference to several proceedings. His grievance is that the 3rd respondent is not entertaining any document, in relation to any lands, referred to above.

On instructions, the learned Government Pleader for Revenue submits that no document has been submitted by the petitioner as yet for registration and the question of not entertaining the same, does not arise.

The only basis on which the Government could instruct the District Registrars not to entertain any document was through notification, to be issued under Section 22-A of the Registration Act, 1908. Even that provision was set aside by the Hon'ble Supreme

Court in ***State of Rajasthan v. Basanth Nahata***^[1]. Therefore, neither the 1st respondent, nor any authority can instruct the registering authorities not to entertain any documents. As and when any document is presented, the 3rd respondent is under obligation to examine the same, with reference to the provisions of the Indian Stamp Act and the Registration Act.

Once it has emerged that the petitioner has not submitted any document as yet, the question of issuing any directions to the 3rd respondent, does not arise. It is, however, made clear that as and when the petitioner presents any document for registration, the 3rd respondent shall examine the same, with reference to the relevant provisions, and in case, he finds it difficult to register the document, he shall indicate the reasons therefor, within one week from the date of presentation of the document.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Dt.22.01.2007
GJ

L.NARASIMHA REDDY, J

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^[1] AIR 2005 SC 3401=(2005) 12 SCC 77